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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,487	10/01/2003	Frank S. Rossi	1153.012US2	7519
21186	7590 03/07/2006		EXAM	INER
	IAN, LUNDBERG, W	WEBB, GR	EGORY E	
	1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			PAPER NUMBER
MINNEAPO				

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-37 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-37 are subject to restriction and/or election requirement. **Applicantin Papers** 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. **Priority under 35 U.S.C. § 119 12) Aknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			Application No.	Applicant(s)
Gregory E. Webb	Office Action Summary		10/676,487	ROSSI ET AL.
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHIGHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of cine may be availated under the provisions of 37 CFt 17:861. In one event, however, may a reply be timely fixed. If NO period for reply is populied above, the maximum statutory period will apply and will explie SIX (5) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply is populitied. The mailing date of this communication, even if timely filled, may reduce any statutory parties with the mailing date of this communication, even if timely filled, may reduce any statute and parties the mailing date of this communication, even if timely filled, may reduce any statute and parties the set of this communication, even if timely filled, may reduce any statute and parties the set of this communication, even if timely filled, may reduce any statute and parties the set of this communication, even if timely filled, may reduce any statute and parties and p			Examiner	Art Unit
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Office Action Summary ¥ 3/1/06 Application/Control Number: 10/676,487 Page 2

Art Unit: 1751

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a paint composition, classified in class 106, subclass 14.11.
 - II. Claims 18-32, drawn to paint stripping compositions, classified in class 510, subclass 201.
 - III. Claims 33-37, drawn to method of stripping paint, classified in class 134, subclass34.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions (I, II) and III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).
- 3. Inventions I and II are not directed to related as one composition is for applying a coating and the second composition is for removing the first composition. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, the different mode of operation distinguishes the two inventions.

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglass McGinty can be reached on (571)272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory E. Webb Primary Examiner Art Unit 1751

gew